

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2010-071048

01/27/2011

HONORABLE WILLIAM L. BROTHERTON JR.

CLERK OF THE COURT

J. Hill

Deputy

IN RE THE MATTER OF  
LAVAYE DENT

JEFFREY C MCCOMBS

AND

BENNY L DENT JR.

DONNA M HOUGEN

DISSOLUTION TRIAL SET

Northwest Facility, Courtroom

10:10 a.m. This is the time set for a Return Hearing regarding temporary orders. Petitioner/Mother Lavaye Dent is present and represented by counsel, Jeffrey C. McCombs. Respondent/Father Benny Dent, Jr. is present and represented by counsel, Donna M. Hougen.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Lavaye Dent and Benny Dent, Jr. are sworn.

Discussion is held regarding status of the case and pending issues.

The Court is advised that the parties have reached an agreement with regard to temporary orders, which is more fully set forth on the record and can be generally summarized as follows:

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- Father will have parenting time from 7:00 p.m. on Thursday until 7:00 p.m. on Saturday every week.

- The parties will alternative parenting time on Sundays and major holidays.

- Each parent will be given the opportunity to care for the child prior to placing the child in daycare or with a babysitter.

- Mother will claim the dependency tax exemption applicable to the minor child in odd years and Father will claim the dependency tax exemption applicable to the minor child in even years beginning with tax year 2010.

- Mother will have exclusive use of the marital residence and will pay for all associated debts pending future sale. Mother will hold Father harmless from any liability related to the home from October 2010 forward.

- Father's personal property as set forth in his proposed resolution statement will be returned to him.

- Any personal property of Mother's in Father's possession will be returned to her.

- Neither party will pay child support or spousal maintenance.

- The parties have agreed to modify the Order of Protection, as stated on the record.

- Exchanges will take place inside the lobby of the Glendale Police Station, main location, or other mutually agreed upon location.

Petitioner and Respondent, previously sworn, now testify that they have heard and understood the agreement as stated on the record and that it is accurate.

The Court finds that the agreement entered into between the parties is fair, reasonable and in the best interests of the parties' minor child.

The Court further finds that the parties have knowingly, voluntarily and intelligently entered into the agreement, without duress or coercion, and that the parties are fully informed as to the contents of this agreement.

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IT IS THEREFORE ORDERED approving and adopting the agreement of the parties, as stated on the record, as a binding agreement pursuant to Rule 69, Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED setting a **Dissolution Trial on April 6, 2011 at 1:30 p.m.** (2 hours allotted) before Honorable William L. Brotherton, Jr. at the Northwest Regional Court Center, Courtroom 121, 14264 W. Tierra Buena Lane, Surprise, Arizona 85374, Telephone: (602) 372-2024.

The Trial will address the remaining issues for dissolution of marriage.

Pursuant to Rule 77(B)(1), Arizona Rules of Family Law Procedure (A.R.F.L.P.), each party will be allowed approximately one-half of the time allotted to present his/her case. The time will not be extended absent a timely filed motion granted by the Court.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-Trial Statement pursuant to Rule 76, A.R.F.L.P., no later than five (5) days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-Trial Statement shall include a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines and a specific proposal for custody and visitation by each party.

IT IS FURTHER ORDERED that each party shall file a current Affidavit of Financial Information and present a copy to this Division no later than five (5) days prior to the Trial. Each party shall ensure that the opposing party receives a copy of the Affidavit of Financial Information in accordance with the discovery and disclosure deadlines set forth herein.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49 and 50, A.R.F.L.P., including an exchange of all relevant information, documents and exhibits no later than 5:00 p.m. on March 16, 2011.

2. All depositions and discovery contemplated by Rules 49 through 65, A.R.F.L.P., shall be completed and any motions regarding discovery shall be filed no later than 5:00 p.m. on March 23, 2011.

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3. Counsel and/or both parties shall personally meet, face to face (unless there is an Order of Protection in place) at least ten (10) days prior to Trial to conduct settlement discussions and narrowing of all procedural and substantive issues in this case.

The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution/company or business/medical or health care provider/employer possessing any relevant information.

IT IS FURTHER ORDERED that the failure of counsel and/or either party to appear at the time of Trial, or to timely present the Joint Pre-Trial Statement in proper form shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 70(D), A.R.F.L.P. and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED as follows:

1. Counsel and/or the parties shall submit all exhibits to this Division at least five (5) business days prior to the hearing. Exhibits shall not be filed at the Clerk of Court filing counter.

2. The exhibit packet shall contain a title page which states the case number, whether the exhibits are Petitioner's or Respondent's and the date for the Trial. Failure to clearly indicate which party is presenting the exhibits may result in the exhibits being marked incorrectly.

3. Each exhibit shall be stapled if it contains more than one page. Each exhibit shall be clearly separated from the other exhibits, preferably by placing a colored page in between each exhibit. Do not staple the colored pages to the exhibits. Do not write on the colored pages. The clerk will reuse the colored pages if they are reusable. Failure to clearly separate each exhibit may result in the exhibits being marked differently than counsel and/or the parties intended, such as multiple exhibits being marked as one exhibit.

4. Exhibits will most likely be marked in the order received. However, if the clerk has exhibits from both parties at the time of marking, Petitioner's exhibits will be marked first. Exhibits are not always marked immediately upon receipt and therefore there is no guarantee as to which party's exhibits will be marked first. The parties will receive an exhibit worksheet at the time of hearing which will be the master list.

5. Duplicate exhibits shall not be presented.

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6. The parties shall provide the adverse party with a separate copy of all exhibits.

Counsel and/or the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, A.R.F.L.P.

Warning: If only one party appears for the Trial, the Court may enter a default against the absent party, and allow the party that appears to proceed by default and/or issue a civil arrest warrant and/or a child support arrest warrant for the non-appearing party. If both parties fail to appear, the entire case may be dismissed, without further notice to either party.

10:23 a.m. Court stands at recess.

10:37 a.m. Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Further discussion is held.

10:40 a.m. Court stands at recess.

10:43 a.m. Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

IT IS ORDERED approving the Amended Order of Protection issued this date.

LET THE RECORD REFLECT Respondent signed an Acceptance of Service for the Amended Order of Protection in open court this date.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

January 27, 2011

/ s / William L. Brotherton, Jr.

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DATE

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HONORABLE WILLIAM L. BROTHERTON JR.  
JUDGE OF THE SUPERIOR COURT

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10:44 a.m. Matter concludes.

FILED: Amended Order of Protection; Acceptance of Service

All parties representing themselves must keep the Court updated with address changes.  
A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.